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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

DON'T SHOOT PORTLAND, et al.

Plaintiffs

v.

CITY OF PORTLAND, a municipal  
corporation,

Defendant.

Case No. 3:20-cv-00917-HZ

AMENDED DECLARATION OF SUPPORT  
OF PLAINTIFF'S MOTION TO SHOW  
CAUSE WHY DEFENDANT CITY OF  
PORTLAND SHOULD NOT BE HELD IN  
CONTEMPT

ORAL ARGUMENT REQUESTED

EXPEDITED HEARING REQUESTED

I, Matthew Cleinman, declare as follows pursuant to 28 USC § 1746:

1. I have personal knowledge of the information contained in this declaration. If called upon to do so, I could and would competently testify regarding the matters set forth herein. I have been present at several protests since May 29, 2020. I believe in the importance of continuing to lend my voice and body for the movement to assert that Black Lives Matter and demand an end of police brutality.
2. I attended the protest on June 30, 2020. I got to Peninsula Park around 6:30 pm. We marched to the Portland Police Association (PPA) Building on N Lombard. When we got there, we saw Oregon State Troopers lined up surrounding the PPA building. They were not displaying names or badge numbers that I could see.
3. We were there for ten to fifteen minutes, peacefully chanting and gathering on the street. Police made announcements that I could not hear over the chanting.
4. I saw Portland Police officers emerge from around the corner of the PPA building, holding munitions, guns, and batons. I saw a line of the PPB officers heading up Lombard, away from

the protesters, and forming a line. I then saw the officers walking toward the crowd of protesters.

They had their batons up. People in the crowd were still peacefully chanting.

5. I stated to one officer, “You don’t have numbers. Where are your badge numbers?” This was very concerning to me because they were shielded themselves from accountability.

6. As the line of officers was marching down the street, I was moving backward with the crowd. An officer shoved me once backward. The same officer shoved me a second time in a downward motion. A second officer stepped forward from the police line and started pushing me with a baton. I kept backing away. A third officer came up to me and pepper sprayed me in the face. He aimed directly into my eyes. He was about 4-5 feet away from me.

7. A video of the police violence against me is attached. Cleinman Decl. Ex 1. In this video, at 0:11 minutes I am the person in the grey hoodie and green backpack that police pepper sprayed in the face.

8. Prior to being shoved and sprayed in the face, I did nothing to place people or property at risk.

9. After I was pepper sprayed, I could not breathe. I tried to not to panic and keep walking backward. People in the crowd helped lead me out of the crowd and down a side street. People helped me flush the pepper spray out of my eyes and face as best as we could. I was invited into a friend of a friend’s space to clean up.

10. After cleaning up a little bit, I came back outside. I saw massive amounts of tear gas on the street and people fleeing, coughing, crying, and panicking. The police were marching down Lombard further east.

11. I ended up a little behind the police line. I was walking away from the PPA down Lombard, as we had been told to do. We were about halfway over the I-5 overpass on Lombard. There were about several dozen people on the sidewalk. I saw police vehicles in front of us on

the I-5 overpass. We noticed the police line on the far east side of the overpass retreating backward toward us. One police officer threw a cannister of either OC spray or CS gas directly at our group. They gave us no warnings or announcements prior to using the munition against us. We were on the sidewalk and simply walking.

12. I believe in the continued importance of the protests and would like to attend protests in the future. But I worry that I will be injured again. Having been repeatedly gassed and watching people get beaten, shot with munitions, and gassed while retreating, I fear for my life and safety while protesting.

13. Prior to being pepper sprayed that night I was wearing a mask. I take Covid-19 precautions seriously and always wear a mask in public. After being pepper sprayed in the face, I could no longer wear a mask. Even when I put on a new mask, there was enough pepper spray on my face and beard that the new mask would instantly be covered in pepper spray and I would be choking and coughing when trying to breathe. I tried this twice with new masks. Every time I put on a clean mask the pepper spray would get reactivated.

14. Later that night, when I came home and tried to wash off the pepper spray in the shower, I had to stop showering because the ambient pepper spray in the bathroom had combined with the steam. I screamed out in pain. It felt like I had been pepper sprayed all over again. My housemate helped hose off my beard and hair in the backyard with a hose. The pain I felt was excruciating.

15. I am worried that one of us will die at the hands of police. The energy on the ground is full of fear. We keep showing up, chanting, and putting our bodies on the line to call for an end to police brutality against our BIPOC communities. Police have responded by brutalizing us night after night.

I declare under penalty of perjury under the laws of the United States of America that the

foregoing is true and correct.

Executed on August 11, 2020.

*Matthew Kleinman*

Matthew Kleinman (Aug 11, 2020 15:36 PDT)

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Matthew Kleinman